

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

ORDER
07-CR-86A

PATRICIA O'CONNOR and
RICHARD R. DRACHENBERG,

Defendants.

This case was referred to Magistrate Judge Jeremiah J. McCarthy, pursuant to 28 U.S.C. § 636(b)(1). On May 7, 2007 and June 7, 2007, defendants, proceeding *pro se*, filed jurisdictional challenges. On June 27, 2007, Magistrate Judge McCarthy filed a Report and Recommendation, recommending that defendants' jurisdictional challenges be denied in their entirety.

Defendants filed objections to the Report and Recommendation on August 31, 2007, and the government filed a response thereto on October 16, 2007. Oral argument on defendants' objections was held on October 18, 2007.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions and hearing argument

from counsel, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge McCarthy's Report and Recommendation, defendants' jurisdictional challenges are denied in their entirety. The case is referred back to Magistrate Judge McCarthy for further proceedings

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: October 31, 2007